

attorney for this application. The correspondence address has also been changed to the following:

J.M. Robertson Intellectual Property, LLC
233 South Pine Street - First Floor
Spartanburg, SC 29302

It is respectfully requested that the Examiner confirm the proper entry of this new correspondence address for use in future communications.

RESTRICTION REQUIREMENT:

The claims of the present application are subject to a four way restriction requirement directed to the following claim groupings as categorized by the Examiner:

Group I, claims 1-4, drawn to a wiper.

Group II, claims 5-10, drawn to an apparatus for dispensing a plurality of six sided wipers;

Group III, claims 11-17, drawn to a method of dispensing six sided wipers ; and

Group IV, claims 18-26, drawn to a method of manufacturing six-sided wipers.

The Examiner has concluded that these claim grouping lack the same or corresponding "special technical features" as required by PCT Rule 13.2 (implemented under 37 C.F.R. §1.475) and thus fail to meet the requirement for unity of invention. In particular, the restriction requirement asserts that the special technical feature linking the four inventions is a six sided wiper and that such a feature does not provide a contribution over the prior art due to the fact that it would be either obvious over or anticipated by U.S. patent 3,784,998 to Jones, Sr..

The restriction is premised upon the fact that Jones Sr. anticipates and/or makes obvious the special technical feature of a six sided wiper identified by the Examiner as linking the claim groups. This basis for restriction is believed to be deficient and reconsideration and withdrawal of such restriction is thus requested at this time.

Applicant respectfully submits that Jones Sr. does not appear to establish by itself a *prima facie* case of anticipation or obviousness for a wiper of any kind and most certainly not a six

sided wiper of sheet material. As best understood, Jones Sr. is directed to an applicator which utilizes stacked layers of multiple sheets to retain and then discharge an impregnated composition. The stacked layers are segmented into a petal structure to facilitate application of the impregnated composition. Thus, Jones Sr. appears to disclose a relatively thick pad of segmented construction as opposed to a wiper of sheet material.

Even if the applicator of Jones Sr. can be considered a "wiper" the applicator does not incorporate the elements of the special technical feature identified by the Examiner. In particular, the applicator in Jones, Sr. does not have six sides. While FIG. 1 of Jones, Sr. appears to show a hexagonal footprint, the actual written description states as follows:

Multiple incision slits 16 are formed, extending from the external perimeter 20 of the applicator 10 inwardly to the score line 14, which defines the central handle support area 13. The multiple incision slits 16 extend normally through the first support sheet 11, the second support sheet 17 and the multiple ply of sheets 18. Multiple toilet applicator leaves 19 are thus provided, which comprise the multiple ply flexible sheets 18 and the second support shield sheet 17. See, Col. 2, lines 18-26.

Based upon this description, it appears to Applicant that each sheet within the multiple ply structure in FIG. 1 of Jones, Sr. is actually segmented to have eighteen (18) edges. That is, the structure has six perimeter edges and twelve edges formed along the incision slits 16 (two at each slit).

In view of the express teachings in the cited reference to Jones, Sr. Applicant respectfully submits that there can be no finding that the special technical feature of a six sided wiper as identified by the Examiner is anticipated by or obvious over Jones, Sr.. As regards anticipation, a six sided wiper does not appear to be either expressly or inherently described in the cited reference. As regards obviousness, the restriction requirement has identified no teaching, suggestion or motivation which would lead one of skill in the art to modify Jones, Sr. in a manner necessary to reach the special technical feature identified by the Examiner. As the Examiner is no doubt well aware, the mere fact that a reference can be modified does not render the resultant modification obvious unless the prior art also suggests the desirability of the

modification. Moreover, a prior art reference must be considered as a whole including portions that would lead away from the proposed modification. In the present instance, the express teachings in Jones, Sr. actually appear to teach away from the necessary modification by advocating the multiple leaf structure arising from the incision slits. Accordingly, it is respectfully submitted that no adequate basis has been established for finding the special technical feature of a six sided wiper to be obvious.

CONCLUSION:

For the reasons set forth above, it is respectfully submitted that the restriction requirement as set forth in the Office Action of June 26 should be withdrawn at this time. In the event that any issue remains unresolved, the Examiner is encouraged to contact the undersigned attorney in the hope that such issue may be resolved in an expedient and satisfactory manner.

A petition for a one (1) month extension of time is provided herewith. To any extent that an additional extension is required, a petition for such an extension is hereby made and authorization is provided to deduct any fee necessary for the acceptance of this paper from Deposit Account 50-1424.

Respectfully submitted,



James M. Robertson
Reg. No. 36,905

864-583-0030 (phone)
864-583-0002 (fax)